

## No Appeal Rights

# Ray Loses Bid For New Trial

Memphis, Tenn.

Criminal Court Judge Arthur C. Faquin Jr. ruled yesterday that James Earl Ray gave up his right of appeal on March 10 when he pleaded guilty to the

murder of the Rev. Martin Luther King Jr.

The judge denied Ray's request for a new trial and ordered the 41-year-old convict returned to the Tennessee State Penitentiary at Nashville to continue serving his 99-year sentence.

Ray, whose weight has ballooned from 170 to almost 190 pounds during two months of solitary confinement at the penitentiary, sat quietly behind his lawyers while state prosecutors introduced into evidence a signed statement by Ray requesting that he be allowed to plead guilty in return for the 99-year sentence and agreeing that he would neither appeal the sentence nor ask for a new trial.

### BINDING

Judge Faquin said that such agreements are legal and are binding in Tennessee. He cited numerous Tennessee court decisions covering this position.

Yesterday's hearing, which had held the promise of being a forum for Ray's story that he was only a dupe who pleaded guilty because of pressure, never got beyond the stage of legal technicalities.

At the start of the hearing, Ray's three attorneys withdrew allegations that Ray's former lawyer, Percy Foreman of Houston, had browbeat Ray into pleading guilty.

Judge Faquin offered to throw open the hearing to allow Ray to state his position, but the attorneys representing him declined the offer. They would not explain why

pressure were withdrawn.

### AUTHOR

Robert K. Dwyer, the prosecutor who just yesterday morning was appointed to the Tennessee court of appeals, was prepared to call Foreman and William Bradford Huie, the Alabama author who bought publication rights to Ray's story, to refute any claims by Ray.

Ray had claimed that he

was forced to plead guilty to help magazine, book and movie rights sales for Huie and Foreman.

Judge Faquin told Ray's lawyers, who included J. B. Stoner of Savannah, an outspoken racist, that they can ask higher courts to direct him to grant Ray a new trial.

### FRAUD

Failing that, he said, they could file a writ of habeas corpus seeking a new trial by alleging fraud or they could seek a full hearing under a post conviction act which allows Tennessee convicts to seek leniency while they are serving prison terms.

Stoner indicated that the lawyers plan to follow all three courses if necessary.

They contended at yesterday's hearing that Tennessee law required that Ray get a new trial because he had asked for it before the death of W. Preston Battle, the judge who sentenced him. The judge died three weeks after the sentencing and before the time of applying for a new trial had expired.

*New York Times*



AP Wirephoto

JUDGE FAQUIN  
A binding deal